#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3357 OF 2006

Mini Gopal Ramanna Shetty .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.S.G.Rajput for applicant

Mr.P.A.Pol, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 26th September 2006

P.C.

. The applicant has applied for bail in Sessions Case No.2 of 2006 which arises out of C.R.No.I-115 of 2004 registered at Bazargate

Police Station, Kalyan. The offences alleged are punishable under section 392, 341, 34 I.P.C. read with Section 3, 25 and 27 of Arms Act. Subsequently, the offence punishable under section 397 of I.P.C. has also been added.

2. Investigation is complete and the charge sheet is filed before J.M.F.C. Kalyan. The learned Magistrate has committed the case to the Court of Sessions, Kalyan and it is now numbered as above. The applicant is arrested on 6th November 2004.

3. I have perused, with the assistance of learned Advocate for applicant and A.P.P., the statement of complainant Sachin Waghmare. From the statement, it appears that the complainant and the Manager and Godown Keeper who were allegedly travelling by autorickshaw with a bag containing Rs.1,28,114/-. They were allegedly intercepted by a Maruti Esteem car and the allegation is that out of four unknown persons

who were travelling in the same, one got down from the car and put his revolver on the Manager who ran away leaving the bag in autorickshaw. The bag was lying in the autorickshaw allegedly and the person came back after chasing the complainant for some time and picked the bag.

4. All that is recovered from the applicant is two currency notes of Rs.500/- and that too after 39 days. There is no recovery of any weapon, leave alone, revolver from any of the accused.

5. The statements in the application are not controverted. There appears to be, prima facie, inconsistencies in the version of the complainant. It is difficult to believe that the complainant and others would allow the bag to be taken away in the manner allegedly done. There is no reference to the autorickshaw driver, although, in the complaint he is not supposed to have done anything when the person allegedly

armed with revolver threatened the Manager. The supplementary statement improves upon the number of vehicle.

6. In such circumstances, the applicant deserves to be enlarged on bail. Hence, following order:-

i) The applicant arrested in connection with C.R.No.I-115 of 2004 registered with Bazargate Police Station, Kalyan shall be enlarged in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer of Bazargate Police Station once in a week on every Friday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial for a period of

three months and thereafter, subject to further directions of the trial court. The applicant shall not leave Thane Dist. without prior permission of the Trial Court.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner

tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)